REMARKS

Claims 1-10 remain pending in this application. Claims 1 and 2 have been amended to correct typographical errors. Therefore, applicant respectfully submits that no new matter is added by these amendments.

The Examiner in the Office Action response did not set forth a rejection for Claim 5 by setting forth either a recitation in the art or a teaching in the art that would anticipate the claimed elements of such a claim. Applicants therefore request that the Examiner either allow such a claim or provide a rationale as required under 35 U.S.C. 102 and/or 103 in a further non-final rejection (other claims in this application are not found to be allowable).

Rejection of Claims 1, 4, 6, and 7 under 35 U.S.C. 103(a)

Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931) (hereinafter "Alexander") in view of Cuccia (U.S. Patent No. 6,337,719). [Claims 1-10 were not rejected in view of these two references, only Claims 1, 4, 6, and 7 were]

The present claimed invention provides a method and receiver for managing the consistency of service lists in digital television. Claim 1 of the present invention describes a method for managing broadcast service lists in a television receiver. The method involves receiving an update of a list of at least one service available to the receiver, storing at least one customized list of services, and triggering a consistency check between the customized list of services and the update of the list of services available to the receiver. The triggering step is chosen by an application in the receiver as not to disrupt receiver use by the check. The consistency check involves verifying the presence of a service contained in the stored customized list with the received update list.

Alexander is concerned with Electronic Programming Guides ("EPGs"). Alexander describes an EPG as a television screen display containing a Picture-in-Picture (PIP) window, two advertisement windows, an action key bar, a navigation bar, a grid guide, and a detailed information box (Alexander, col. 2, line 62-col. 3, line 20). A Record Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the viewer wants to have recorded, and a Watch Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the viewer wants to watch (Alexander, col. 7, line 58-col.8, line 12). The user can select the Record Function or Watch Function through the EPG menu or by highlighting an advertisement window or virtual channel ad slot (Alexander, col. 9, line 65-col. 10, line 29). The EPG's Record Function will detect changes in program scheduling as compared to record instructions for particular titles designated for recording. When the EPG detects program scheduling changes, the Record List is automatically updated with the schedule change information. For instance, if a sports event runs longer than the originally scheduled time, a packet of scheduling update information can be transmitted over the VBI that updates the time of the programs scheduled to be telecast after the sports event. The EPG detects the VBI scheduling updates and updates the list of scheduled recordings to permit the proper recording of any programs following the sports event (Alexander, col. 11, line 64-col. 12, line 9).

The Office Action on page 3 **concedes** that Alexander neither discloses nor suggests performing a consistency check "as not to disrupt the receiver use." Further, Alexander updates Electronic Program Guide (EPG) data for the purpose of timely recording of scheduled programs. Alexander merely assumes that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. In addition, Alexander checks for changes in the program scheduling of television programs selected for recording, so the

check is triggered immediately upon the reception of an information update. This is wholly unlike the present claimed invention, in which the consistency check is triggered by an application running in the receiver as not to disrupt receiver use by said check. In fact, as it is critical in Alexander to perform the consistency check immediately upon receipt of an information update in order to prevent loss of data due to program scheduling changes, it would be contrary to the operation of Alexander to schedule the consistency check for a time during which the receiver will not be disrupted, as in the present claimed invention. Therefore, Alexander neither discloses nor suggests "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one available to the receiver, wherein said triggering step is chosen by an application in said receiver as not to disrupt receiver use by said check."

Cuccia describes a television receiver which receives and updates particular information, such as electronic program guide data, when the receiver is not in use, such as during stand-by mode or when the apparatus is performing a function which does not involve the receiver. This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. Cuccia is silent regarding a consistency check between any list received in an update and a customized list stored on the receiver. Cuccia, similarly to Alexander, neither discloses nor suggests "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver." Hence, the Examiner in the combination of Alexander with Cuccia as not established a prima facie rejection as required under 35 U.S.C. 103(a) to make a proper obviousness rejection.

Additionally, there is no motivation to combine the systems of Alexander and Cuccia as indicated by the Examiner because the purpose of each system makes the systems incompatible. Alexander updates a recording list upon reception of updated electronic programming guide data for the purpose of timely recording of selected

programs. In order to ensure timely recording of selected programs, it is imperative for the recording list to be updated automatically immediately upon reception of updated programming data. If a person who is skilled in the art combines the feature of Cuccia, where an update occurs while the receiver is idle, into the system of Alexander, this will defeat the purpose of the system of Alexander and inhibit its operation. For example, if the receiver of Alexander is not idle after receiving updated programming data affecting a program scheduled for immediate recording, then the recording list would not be updated immediately and instead would wait until the receiver is idle. Consequently, due to the program scheduling updates not occurring immediately, a program scheduled for immediate recording may not be recorded correctly or in its entirety. Thus, the objectives of Alexander and Cuccia make them incompatible for combination, so a person who is skilled in the art would not be motivated and have no reason to combine the systems of Alexander and Cuccia.

Furthermore, even if one were to combine the systems of Alexander and Cuccia, the combination, similar to the individual systems, would not produce the present invention as claimed in claim 1. A combination of Alexander and Cuccia would provide an electronic programming guide that detects changes in programming scheduling as compared to record instructions for particular titles designated for recording, where the detection occurs only when the receiver is in stand-by mode or another idle state. The combined system would merely assume that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. The combined system does not check the consistency of a customized list of services with the list of services available to the receiver. Therefore, neither Alexander nor Cuccia, alone or in combination, disclose or suggest "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver, wherein said triggering step is chosen by an application in said receiver as not to disrupt receiver use by said check...." Thus, in view of the above

remarks, it is respectfully submitted that the rejection of claim 1 is satisfied and should be withdrawn.

Claims 2 and 3 are dependent on claim 1, and therefore it is respectfully submitted that claims 2 and 3 are allowable for the same reasons as claim 1. Additionally, the Office Action on page 4 concedes that Alexander and Cuccia fail to disclose that, when the service contained within the stored customer lists is not in the updated list, deleting the service from the customized list. Thus, in view of the above remarks, it is respectfully submitted that the rejection of claims 2 and 3 is satisfied and should be withdrawn.

Claims 4 and 5 are dependent on claim 1, and therefore it is respectfully submitted that claims 4 and 5 are allowable for the same reasons as claim 1.

Independent claim 6 provides a receiver for a digital television system. The receiver includes a central unit, a reception means for receiving and storing broadcast services and at least one services list of at least one service available to the receiver, a memory containing a program, a memory for storing at least one customized list of at least one service, a means for checking the consistency between the customized list of services and list of available services. The consistency check involves verifying the presence of a service contained in the stored customized list with the available services list. A memory storing an application is adapted to trigger the consistency check by the checking means, and the checking of the consistency is triggered by the application at a time chosen so as not to disrupt receiver use by the checking.

Alexander is concerned with Electronic Programming Guides ("EPGs"). Alexander describes an EPG as a television screen display containing a Picture-in-Picture (PIP) window, two advertisement windows, an action key bar, a navigation bar, a grid guide, and a detailed information box (Alexander, col. 2, line 62-col. 3, line 20). A Record Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the

viewer wants to have recorded, and a Watch Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the viewer wants to watch (Alexander, col. 7, line 58-col.8, line 12). The user can select the Record Function or Watch Function through the EPG menu or by highlighting an advertisement window or virtual channel ad slot (Alexander, col. 9, line 65-col. 10, line 29). The EPG's Record Function will detect changes in program scheduling as compared to record instructions for particular titles designated for recording. When the EPG detects program scheduling changes, the Record List is automatically updated with the schedule change information. For instance, if a sports event runs longer than the originally scheduled time, a packet of scheduling update information can be transmitted over the VBI that updates the time of the programs scheduled to be telecast after the sports event. The EPG detects the VBI scheduling updates and updates the list of scheduled recordings to permit the proper recording of any programs following the sports event (Alexander, col. 11, line 64-col. 12, line 9).

The Office Action on page 3 concedes that Alexander neither discloses nor suggests performing a consistency check "as not to disrupt the receiver use." Further, Alexander updates Electronic Program Guide (EPG) data for the purpose of timely recording of scheduled programs. Alexander merely assumes that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. In addition, Alexander checks for changes in the program scheduling of television programs selected for recording, so the check is triggered immediately upon the reception of an information update. This is wholly unlike the present claimed invention, in which the consistency check is triggered by an application running in the receiver as not to disrupt receiver use by said check. In fact, as it is critical in Alexander to perform the consistency check immediately upon receipt of an information update in order to prevent loss of data due to program scheduling changes, it would be contrary to the operation of Alexander to

schedule the consistency check for a time during which the receiver will not be disrupted, as in the present claimed invention. Therefore, Alexander neither discloses nor suggests "means for checking the consistency between said at least one customized list of services and said list of at least one available service, said consistency check verifying the presence of said at least one service contained in the stored customized list with the at least one services list" or "a memory storing an application adapted to trigger the consistency check by said checking means, wherein the checking of the consistency is triggered by said application at a time chosen so as not to disrupt receiver use by said checking."

Cuccia describes a television receiver which receives and updates particular information, such as electronic program guide data, when the receiver is not in use, such as during stand-by mode or when the apparatus is performing a function which does not involve the receiver. This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. Cuccia is silent regarding a consistency check between any list received in an update and a customized list stored on the receiver. Therefore, Cuccia, similarly to Alexander, neither discloses nor suggests "means for checking the consistency between said at least one customized list of services and said list of at least one available service, said consistency check verifying the presence of said at least one service contained in the stored customized list with the at least one services list."

Additionally, there is no motivation to combine the systems of Alexander and Cuccia because the purpose of each system makes the systems incompatible. Alexander updates a recording list upon reception of updated electronic programming guide data for the purpose of timely recording of selected programs. In order to ensure timely recording of selected programs, it is imperative for the recording list to be updated automatically immediately upon reception of updated programming data. If a person who is skilled in the art combines the feature of Cuccia, where an update occurs while the receiver is idle, into the system of Alexander, this will defeat the purpose of

the system of Alexander and inhibit its operation. For example, if the receiver of Alexander is not idle after receiving updated programming data affecting a program scheduled for immediate recording, then the recording list would not be updated immediately and instead would wait until the receiver is idle. Consequently, due to the program scheduling updates not occurring immediately, a program scheduled for immediate recording may not be recorded correctly or in its entirety. Thus, the objectives of Alexander and Cuccia make them incompatible for combination, so a person who is skilled in the art would not be motivated and have no reason to combine the systems of Alexander and Cuccia.

Furthermore, even if one were to combine the systems of Alexander and Cuccia, the combination, similar to the individual systems, would not produce the present invention as claimed in claim 6. A combination of Alexander and Cuccia would provide an electronic programming guide that detects changes in programming scheduling as compared to record instructions for particular titles designated for recording, where the detection occurs only when the receiver is in stand-by mode or another idle state. The combined system would merely assume that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. The combined system does not check the consistency of a customized list of services with the list of services available to the receiver. Therefore, neither Alexander nor Cuccia, alone or in combination, disclose or suggest "means for checking the consistency between said at least one customized list of services and said list of at least one available service, said consistency check verifying the presence of said at least one service contained in the stored customized list with the at least one services list" or "a memory storing an application adapted to trigger the consistency check by said checking means, wherein the checking of the consistency is triggered by said application at a time chosen so as not to disrupt receiver use by said checking." Thus, in view of the above remarks, it is

respectfully submitted that the rejection of claim 6 is satisfied and should be withdrawn.

Claim 7 is dependent on claim 6, and therefore it is respectfully submitted that claim 7 is allowable for the same reasons as claim 6.

Claim 8 is dependent on claim 7, and therefore it is respectfully submitted that claim 8 is allowable for the same reasons as claims 6 and 7. Furthermore, the Office Action on page 5 concedes that Alexander and Cuccia fail to disclose that a counter counts the number of times when a service in the customized list is not in the update list and an erasing means which deletes the service from the customized list which is activated when the counter reaches a predetermined value. Thus, in view of the above remarks, it is respectfully submitted that the rejection of claim 8 is satisfied and should be withdrawn.

Claim 9 is dependent on claim 3, and therefore it is respectfully submitted that claim 9 is allowable for the same reasons as claims 1 and 3. Furthermore, the Office Action on page 5 concedes that Alexander and Cuccia fail to disclose that a predetermined number is more than one. Thus, in view of the above remarks, it is respectfully submitted that the rejection of claim 9 is satisfied and should be withdrawn.

Claim 10 is dependent on claim 8, and therefore it is respectfully submitted that claim 10 is allowable for the same reasons as claims 6, 7, and 8. Furthermore, the Office Action concedes on page 5 that Alexander and Cuccia fail to disclose that a counter counts at least two times before the erasing means deletes the service from the customized list. Thus, in view of the above remarks, it is respectfully submitted that the rejection of claim 10 is satisfied and should be withdrawn.

In view of the above remarks, it is respectfully submitted that claims 1 and 6 are patentable over Alexander and Cuccia, when taken alone or in combination.

Furthermore, it is respectfully submitted that, as claims 2 and 3 are dependent on claim 1, it is respectfully submitted that claims 2 and 3 are patentable for the same reasons as claim 1 and for the reasons described above. As claims 4 and 5 are dependent on claim 1, claims 4 and 5 are patentable for the same reasons as claim 1. As claim 7 is dependent on claim 6, it is respectfully submitted that claim 7 is patentable for the same reasons as claim 6. As claim 8 is dependent on claim 7, it is respectfully submitted that claim 8 is patentable for the same reasons as claims 6 and 7 and for the reasons described above. As claim 9 is dependent on claim 3, it is respectfully submitted that claim 9 is patentable for the same reasons as claims 1 and 3 and for the reasons described above.

As claim 10 is dependent on claim 8, it is respectfully submitted that claim 10 is patentable for the same reasons as claims 6, 7, and 8 and for the reasons described above. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 2-3 and 8-10 under 35 U.S.C. 103(a)

Claims 2-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931) (hereinafter "Alexander") in view of Cuccia (U.S. Patent No. 6,337,719) as applied to claims 1 and 7 above, and further in view of Herz et al. (U.S. Patent No. 5,758,257) (hereinafter "Herz").

Claim 2 is dependent on independent claim 1, and therefore includes all the features of claim 1. As discussed above regarding claim 1, claim 1 describes a method for managing the broadcast service lists in a television receiver. The method involves receiving an update of a list of at least one service available to the receiver, storing at least one customized list of services, and triggering a consistency check between the customized list of services and the update of the list of services available to the receiver. The triggering step is chosen by an application in the receiver so as not to disrupt receiver use by the check. The consistency check involves verifying the presence of a service contained in the stored customized list with the received update list. Further, claim 2 includes the feature that when the service contained within the

stored customized list is not in the updated list, the service is deleted from the stored customized list.

Alexander is concerned with Electronic Programming Guides ("EPGs"). Alexander describes an EPG as a television screen display containing a Picture-in-Picture (PIP) window, two advertisement windows, an action key bar, a navigation bar, a grid guide, and a detailed information box (Alexander, col. 2, line 62-col. 3, line 20). A Record Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the viewer wants to have recorded, and a Watch Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the viewer wants to watch (Alexander, col. 7, line 58-col.8, line 12). The user can select the Record Function or Watch Function through the EPG menu or by highlighting an advertisement window or virtual channel ad slot (Alexander, col. 9, line 65-col. 10, line 29). The EPG's Record Function will detect changes in program scheduling as compared to record instructions for particular titles designated for recording. When the EPG detects program scheduling changes, the Record List is automatically updated with the schedule change information. For instance, if a sports event runs longer than the originally scheduled time, a packet of scheduling update information can be transmitted over the VBI that updates the time of the programs scheduled to be telecast after the sports event. The EPG detects the VBI scheduling updates and updates the list of scheduled recordings to permit the proper recording of any programs following the sports event (Alexander, col. 11, line 64-col. 12, line 9).

The Office Action on page 3 concedes that Alexander neither discloses nor suggests performing a consistency check "as not to disrupt the receiver use." Further, Alexander updates Electronic Program Guide (EPG) data for the purpose of timely recording of scheduled programs. Alexander merely assumes that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention,

which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. In addition, Alexander checks for changes in the program scheduling of television programs selected for recording, so the check is triggered immediately upon the reception of an information update. This is wholly unlike the present claimed invention, in which the consistency check is triggered by an application running in the receiver as not to disrupt receiver use by said check. In fact, as it is critical in Alexander to perform the consistency check immediately upon receipt of an information update in order to prevent loss of data due to program scheduling changes, it would be contrary to the operation of Alexander to schedule the consistency check for a time during which the receiver will not be disrupted, as in the present claimed invention. Therefore, Alexander neither discloses nor suggests "a consistency check between said at least one customized list of services and the update of the list of said at least one available to the receiver, wherein said triggering step is **chosen by an application** in said receiver **as not to disrupt receiver use** by said check."

Cuccia describes a television receiver which receives and updates particular information, such as electronic program guide data, when the receiver is not in use, such as during stand-by mode or when the apparatus is performing a function which does not involve the receiver. This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. Cuccia is silent regarding a consistency check between any list received in an update and a customized list stored on the receiver. Therefore, Cuccia, similarly to Alexander, neither discloses nor suggests "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver."

Herz describes a system and method for scheduling the receipt of programs from a distribution network, such as a cable television system. The system selects programs to be broadcast on "virtual channels" by matching the characteristics of programs contained in an electronic programming guide with preferred characteristics

contained in multiple viewers' profiles. The system then removes viewers' profiles, whose preferences are satisfied by a sufficient number of currently selected programs, from the selection process. Herz is silent regarding a consistency check between any list received in an update and a customized list stored on the receiver. Herz merely assumes that all services (channels) for which the EPG receives data are available to the receiver (*See* Herz, col. 23, line 62-col. 24, line 10; figs. 1 and 2). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. Therefore, Herz, similarly to Alexander and Cuccia, neither discloses nor suggests "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver."

Furthermore, Herz teaches that viewers' profiles are removed from consideration once the characteristics of a sufficient number of programs that have been selected match the characteristics of the viewers' profiles. Herz then continues its selection algorithm using only viewers' profiles whose preferred characteristics have not been satisfied, and the algorithm continues to run until the available "virtual channel" broadcast space is filled. This is wholly unlike the present claimed invention which, after a consistency check between any list received in an update and a customized list stored on the receiver, deletes a service from the stored customized list when the service contained within the stored customer list is not in the updated list. Firstly, Herz does not perform a consistency check between a stored customized list and a list received in an update. Herz merely decrements an attribute value associated with a viewer profile until the attribute value reaches zero. Secondly, Herz does not delete a service from a stored customized list when the stored customer list is not in the updated list. On the contrary, Herz removes a viewer profile once its preferred characteristics have been satisfied. Therefore, Herz, similarly to Alexander and Cuccia, neither discloses nor suggests "when the service contained within the stored customized lists is not in the updated list, deleting said service from the stored customized list."

Additionally, there is no reason or motivation to combine the systems of Alexander, Cuccia, and Herz. Alexander updates a recording list upon reception of updated electronic programming guide data for the purpose of timely recording of selected programs. Cuccia receives and updates particular information, such as electronic program guide data, when the receiver is not in use, such as during stand-by mode or when the apparatus is performing a function which does not involve the receiver. Herz removes from a selection process viewers' profiles whose preferences are satisfied by a sufficient number of currently selected programs.

In the system of Alexander, in order to ensure timely recording of selected programs, it is imperative for the recording list to be updated automatically immediately upon reception of updated programming data. Combining the features of Cuccia, where an update occurs while the receiver is idle, with the system of Alexander, as suggested by the Office Action, would produce a system which would be unable to perform its desired functions. For example, if the receiver of Alexander is not idle after receiving updated programming data affecting a program scheduled for immediate recording, then the recording list would not be updated immediately and instead would wait until the receiver is idle. Consequently, due to the program scheduling updates not occurring immediately, a program scheduled for immediate recording may not be recorded correctly or in its entirety. Thus, the objectives of Alexander and Cuccia make them incompatible for combination, so a person who is skilled in the art would not be motivated and have no reason to combine the systems of Alexander and Cuccia.

Furthermore, Alexander records programs that are specifically selected by the user. Therefore, it is a necessary feature of Alexander that once a program has been recorded the program is removed from the recording list since the recording schedule of previously aired programs is irrelevant. Combining the feature of Herz, that the user's selection criteria be removed once it has been satisfied a sufficient number of times, would be unnecessary since this function is already performed by Alexander in this instance. Additionally, in Alexander, a user may specify that the system record a

program any time that it airs. Since it is impossible to determine future airings of a program beyond the expiration date of the presently available programming data, the user would desire that this selection criterion remain effective indefinitely. These functions of Alexander would be incompatible with the feature of Herz, that the user's selection criteria be removed once it has been satisfied a sufficient number of times, because the feature would cause the receiver to remove a user's selection criterion prematurely. Thus, the objectives of Alexander and Herz make their respective systems incompatible for combination. Therefore, a person who is skilled in the art would not be motivated to combine the systems of Alexander and Herz. In view of the above remarks and the incompatibility of Alexander and Cuccia, there is no motivation to combine Alexander, Cuccia, and Herz to produce the present claimed invention.

Additionally, even if combined, the combination of Alexander, Cuccia, and Herz, similar to the individual systems, would not produce the present invention as claimed in claim 2. A combination of Alexander, Cuccia, and Herz would describe an electronic programming guide that detects changes in programming scheduling as compared to record instructions for particular titles designated for recording, where the detection occurs only when the receiver is in stand-by mode or another idle state, and where selection criteria is removed once it has been satisfied a sufficient number of times. The combined system would merely assume that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. The combined system does not check the consistency of a customized list of services with the list of services available to the receiver. Therefore, Alexander, Cuccia, or Herz, when taken alone or in combination, neither disclose nor suggest "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver, wherein said triggering step is chosen by an application in said receiver as not to disrupt receiver use by said check," as recited in claim 1 of the present invention.

Furthermore, the Office Action on page 4 concedes that Alexander and Cuccia neither disclose nor suggest the feature "when the service contained within the stored customized lists is not in the updated list, deleting said service from the stored customized list." Additionally, as discussed above, Herz also neither discloses nor suggests this feature. Therefore, the systems of Alexander, Cuccia, and Herz, when taken alone or in combination, neither disclose nor suggest "when the service contained within the stored customized lists is not in the updated list, deleting said service from the stored customized list." Thus, in view of the above remarks and amendment to claim 2, it is respectfully submitted that the rejection of claim 2 is satisfied and should be withdrawn.

Claim 3 is dependent on claim 2, and therefore it is respectfully submitted that claim 3 is allowable for the same reasons as claim 2. Additionally, claim 9 is dependent on claim 3, and therefore it is respectfully submitted that claim 9 is allowable for the same reasons as claims 2 and 3.

Claim 8 is dependent on claim 7, which is dependent on independent claim 6. Therefore claim 8 includes all the features of claims 6 and 7. As discussed above regarding claim 6, claim 6 provides a receiver for a digital television system. The receiver includes a central unit, a reception means for receiving and storing broadcast services and at least one services list of at least one service available to the receiver, a memory containing a program, a memory for storing at least one customized list of at least one service, a means for checking the consistency between the customized list of services and list of available services. The consistency check involves verifying the presence of a service contained in the stored customized list with the available services list. A memory storing an application is adapted to trigger the consistency check by the checking means, and the checking of the consistency is triggered by the application at a time chosen so as not to disrupt receiver use by the checking.

Alexander is concerned with Electronic Programming Guides ("EPGs"). Alexander describes an EPG as a television screen display containing a Picture-in-Picture (PIP) window, two advertisement windows, an action key bar, a navigation bar, a grid guide, and a detailed information box (Alexander, col. 2, line 62-col. 3, line 20). A Record Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the viewer wants to have recorded, and a Watch Function allows the user to instruct the EPG which programs to add to a list of programs and related programming schedule information for programs that the viewer wants to watch (Alexander, col. 7, line 58-col.8, line 12). The user can select the Record Function or Watch Function through the EPG menu or by highlighting an advertisement window or virtual channel ad slot (Alexander, col. 9, line 65-col. 10, line 29). The EPG's Record Function will detect changes in program scheduling as compared to record instructions for particular titles designated for recording. When the EPG detects program scheduling changes, the Record List is automatically updated with the schedule change information. For instance, if a sports event runs longer than the originally scheduled time, a packet of scheduling update information can be transmitted over the VBI that updates the time of the programs scheduled to be telecast after the sports event. The EPG detects the VBI scheduling updates and updates the list of scheduled recordings to permit the proper recording of any programs following the sports event (Alexander, col. 11, line 64-col. 12, line 9).

The Office Action on page 3 concedes that Alexander neither discloses nor suggests performing a consistency check "as not to disrupt the receiver use." Further, Alexander updates Electronic Program Guide (EPG) data for the purpose of timely recording of scheduled programs. Alexander merely assumes that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. In addition, Alexander checks for changes in the program scheduling of television programs selected for recording, so the

check is triggered immediately upon the reception of an information update. This is wholly unlike the present claimed invention, in which the consistency check is triggered by an application running in the receiver as not to disrupt receiver use by said check. In fact, as it is critical in Alexander to perform the consistency check immediately upon receipt of an information update in order to prevent loss of data due to program scheduling changes, it would be contrary to the operation of Alexander to schedule the consistency check for a time during which the receiver will not be disrupted, as in the present claimed invention. Therefore, Alexander neither discloses nor suggests "means for checking the consistency between said at least one customized list of services and said list of at least one available service, said consistency check verifying the presence of said at least one service contained in the stored customized list with the at least one services list" or "a memory storing an application adapted to trigger the consistency check by said checking means, wherein the checking of the consistency is triggered by said application at a time chosen so as not to disrupt receiver use by said checking."

Cuccia describes a television receiver which receives and updates particular information, such as electronic program guide data, when the receiver is not in use, such as during stand-by mode or when the apparatus is performing a function which does not involve the receiver. This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. Cuccia is silent regarding a consistency check between any list received in an update and a customized list stored on the receiver. Therefore, Cuccia, similar to Alexander, neither discloses nor suggests "means for checking the consistency between said at least one customized list of services and said list of at least one available service, said consistency check verifying the presence of said at least one service contained in the stored customized list with the at least one services list."

Herz describes a system and method for scheduling the receipt of programs from a distribution network, such as a cable television system. The system selects

programs to be broadcast on "virtual channels" by matching the characteristics of programs contained in an electronic programming guide with preferred characteristics contained in multiple viewers' profiles. The system then removes viewers' profiles, whose preferences are satisfied by a sufficient number of currently selected programs, from the selection process. Herz is silent regarding a consistency check between any list received in an update and a customized list stored on the receiver. Herz merely assumes that all services (channels) for which the EPG receives data are available to the receiver (*See* Herz, col. 23, line 62-col. 24, line 10; figs. 1 and 2). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. Therefore, Herz neither discloses nor suggests "means for checking the consistency between said at least one customized list of services and said list of at least one available service, said consistency check verifying the presence of said at least one service contained in the stored customized list with the at least one services list."

Additionally, there is no reason or motivation to combine the systems of Alexander, Cuccia, and Herz. Alexander updates a recording list upon reception of updated electronic programming guide data for the purpose of timely recording of selected programs. Cuccia receives and updates particular information, such as electronic program guide data, when the receiver is not in use, such as during stand-by mode or when the apparatus is performing a function which does not involve the receiver. Herz removes from a selection process viewers' profiles whose preferences are satisfied by a sufficient number of currently selected programs.

In the system of Alexander, in order to ensure timely recording of selected programs, it is imperative for the recording list to be updated automatically immediately upon reception of updated programming data. Combining the features of Cuccia, where an update occurs while the receiver is idle, with the system of Alexander, as suggested by the Office Action, would produce a system which would be unable to perform its desired functions. For example, if the receiver of Alexander is not idle after receiving updated programming data affecting a program scheduled for

immediate recording, then the recording list would not be updated immediately and instead would wait until the receiver is idle. Consequently, due to the program scheduling updates not occurring immediately, a program scheduled for immediate recording may not be recorded correctly or in its entirety. Thus, the objectives of Alexander and Cuccia make them incompatible for combination, so a person who is skilled in the art would not be motivated and have no reason to combine the systems of Alexander and Cuccia.

Furthermore, Alexander records programs that are specifically selected by the user. Therefore, it is a necessary feature of Alexander that once a program has been recorded the program is removed from the recording list since the recording schedule of previously aired programs is irrelevant. Combining the feature of Herz, that the user's selection criteria be removed once it has been satisfied a sufficient number of times, would be unnecessary since this function is already performed by Alexander in this instance. Additionally, in Alexander, a user may specify that the system record a program any time that it airs. Since it is impossible to determine future airings of a program beyond the expiration date of the presently available programming data, the user would desire that this selection criterion remain effective indefinitely. These functions of Alexander would be incompatible with the feature of Herz, that the user's selection criteria be removed once it has been satisfied a sufficient number of times, because the feature would cause the receiver to remove a user's selection criterion prematurely. Thus, the objectives of Alexander and Herz also make their respective systems incompatible for combination. Therefore, a person who is skilled in the art would not be motivated to combine the systems of Alexander, Cuccia, and Herz. In view of the above remarks and the incompatibility of Alexander and Cuccia, there is no motivation or reason to combine Alexander, Cuccia, and Herz to produce the present claimed invention.

Additionally, even if combined, the combination of Alexander, Cuccia, and Herz, similar to the individual systems, would not produce the present invention as claimed in claim 8. A combination of Alexander, Cuccia, and Herz would describe an

electronic programming guide that detects changes in programming scheduling as compared to record instructions for particular titles designated for recording, where the detection occurs only when the receiver is in stand-by mode or another idle state, and where selection criteria is removed once it has been satisfied a sufficient number of times. The combined system would merely assume that all services (channels) for which the EPG receives data are available to the receiver (*See* Alexander, col. 10, lines 30-42). This is wholly unlike the present claimed invention, which checks the consistency of a list of services available to a television receiver with a customized list of services stored on the receiver. The combined system does not check the consistency of a customized list of services with the list of services available to the receiver. Therefore, Alexander, Cuccia, or Herz, when taken alone or in combination, neither disclose nor suggest "means for checking the consistency between said at least one customized list of services and said list of at least one available service, said consistency check verifying the presence of said at least one service contained in the stored customized list with the at least one services list" or "a memory storing an application adapted to trigger the consistency check by said checking means, wherein the checking of the consistency is triggered by said application at a time chosen so as not to disrupt receiver use by said checking," as recited in claim 6 of the present invention. Thus, in view of the above remarks, it is respectfully submitted that the rejection of claim 8 is satisfied and should be withdrawn.

Claim 10 is dependent on claim 8, and therefore it is respectfully submitted that claim 10 is allowable for the same reasons as claim 8.

In view of the above remarks, it is respectfully submitted that claims 2 and 8 are patentable over Alexander, Cuccia, and Herz, when taken alone or in combination. Furthermore, it is respectfully submitted that claim 3 is dependent on claim 2 and is patentable for the same reasons as claim 2, that claim 9 is dependent on claim 3 and is patentable for the same reasons as claim 3, and that claim 10 is dependent on claim 8 and is patentable for the same reasons as claim 8. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Please charge the fee for the specified extension of time to Deposit Account 07-0832. If any other fees are owed in connection with this action, please charge such fees to this deposit account, as well.

Respectfully submitted,
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